THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.4800 of 2007

09-03-2007

Between:-

Malisani Subbi Reddy

Petitioner

And

The Inspector, Enforcement & Vigilance Department, Thirupathi, Chittoor district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4800 of 2007

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner claims to be a farmer. On 24-02-2007, the Vigilance Enforcement Wing of Civil Supplies Department, Tirupathi inspected the godown of Smt. Patan Jahara Bee wife of Rowf Khan. Thereat stocks of 326 quintals of Redgram, 9 quintals of Redgram Dal and 83 quintals of Horsegram (Ulavalu), altogether of a value at Rs. 6,77,500-00 was found stored and under a panchanama the stock was seized for violation of the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution) Order, 1982 (for short 'the Control Order').

The petitioner has not yet been informed as to whether any case under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') has been initiated against him.

On 27-02-2007 the petitioner represented to the District

Collector, Kadapa for release of the seized stocks, along with others. In the representation it is claimed that the stocks seized belong to eleven (11) farmers including the petitioner. All the representationists claimed that they are farmers, the commodities are the produce of their farming, that they are not dealers and are not required to obtain a license under the Control Order.

In paragraph No.6 of the affidavit filed in support of the writ petition, the petitioner states that he learns that the first respondent, without passing any orders on his application for interim release of seized stocks, is likely to put up the stocks for sale in public auction. The petitioner has not been intimated about any order passed by the competent authority directing interim disposal of the seized commodities even before final orders of confiscation or otherwise is passed under Section 6-A of the Act. On this grievance, the petitioner is before this court.

In the circumstances, the writ petition is disposed of directing the respondents, in particular the second respondent to ensure that there is no interim disposal of the seized commodities without intimation to the petitioner of an order in that behalf. The District Collector, Kadapa shall also expeditiously consider the petitioner's representation for interim release of the stocks in his favour in accordance with law, within a period of thirty (30) days from the date of receipt of a copy of this order. Nothing in this order shall be construed as an expression by this court on the merits of the petitioner's application for interim release of seized stocks. The competent authority shall consider the said application in accordance with law and lawful exercise of his discretion.

The writ petition is accordingly disposed of at the stage of admission. There shall be no order as to costs.

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GODA RAGHURAM, J

Dated:09-03-2007
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